



FREEDOM OF INFORMATION ACT 2014

A Guide to Freedom of Information (FOI)

AN INFORMATION GUIDE FOR
INSTITUTE OF TECHNOLOGY, SLIGO

Introduction

IT Sligo is a body established for a public purpose and thus falls within the scope of the Freedom of Information (FOI) Act 2014.

The main objective of the Freedom of Information Act is to foster and develop a culture of openness, transparency and accountability in public bodies.

The Act asserts the right of members of the public to obtain access to official information to the greatest extent possible, consistent with the public interest and the right to privacy of individuals.

The Freedom of Information Act 2014 as applies to IT Sligo provides that every person has the following legal rights:

- access official records held by the Institute
- have personal information held on them corrected or updated where such information is incomplete, incorrect or misleading
- be given reasons for decisions taken by public bodies that affect them

These rights mean that people can seek access to personal information held on them no matter when the information was created and to other records created after 21st April 1998. This applies to Institute staff as well as the general public.

Information Routinely Available

The Institute routinely makes information available to the public through various channels. The primary sources of information in relation to IT Sligo are:

- IT Sligo Website
- Prospectus
- Student Guide
- Annual Report
- Publication Schemes

Personnel Files

The Institute's policy, since the establishment of the Human Resources Department, is to facilitate access to personnel records directly.

The Institute will accommodate any requests for information. Access will be provided, by allowing inspection of the original record or by arrangement and consistent with the need to protect privacy and the public interest.

Applications should be made in writing to the Human Resources Department.

Any, information of a personal nature is only available to the person it concerns.

Under Freedom of Information Act staff are entitled to seek access to their personnel records, created on or after 21st October, 1995 (i.e. up to three years prior to the commencement of the Act).

Information available under FOI

Freedom of Information provides an additional source of information by facilitating access to records not routinely available. Under the Act, a record includes any memorandum, text or other document, any photograph, film or recording, or any form in which data are held (whether manual, mechanical or electronic), and anything that is a part, or a copy, or a combination of the foregoing.

The following manual and electronic records may be sought:

- All non-personal records created from commencement date (21 April 1998)
- All personal records irrespective of when created
- Any other records necessary to the understanding of a current record
- All personnel records of staff in public bodies created less than 3 years before commencement. Earlier records may be accessed if they are liable to be used in a way that might adversely affect the interests of the member of staff involved.

Under the Act, a record held by an individual or company who is, or, was providing a service to IT Sligo under a contract for services, shall in so far as it relates to the specific service, be regarded as being held by the IT Sligo and can be released subject to the usual exemptions.

Exemptions to the Act

In certain circumstances it will be necessary to exempt from release, certain types of information. Some key exemptions are:-

- Personal information of a third party
- Information supplied in confidence.
- Deliberations of IT Sligo (records being considered in the process of the IT Sligo arriving at a decision).
- Records affecting the functions and negotiations of IT Sligo.
- Information that has already been published and is available from the Institute.
- Information which is subject to legal professional advice.
- Commercially sensitive information.

The Act protects sensitive information. The Institute will seek to protect the privacy of individuals and information supplied in confidence, but in certain, exceptional circumstances it may be in the public interest to release such information.

Information will not come within the scope of the FOI Act where it is:

- already publicly available (e.g. prospectus)
- available under another enactment.

Records may also be refused on administrative grounds where the record doesn't exist, where they have already been released or where disruption of work of a function or the college would be caused.

How to make an FOI request

Requests must be in writing (including by email) and addressed to the Freedom of Information Officer: FOI Officer, Institute of Technology, Ash Lane, Sligo.

E: foi@itsligo.ie.

The requester must specify that they are requesting the information under the FOI Act 2014. This is necessary to obtain the rights conferred under the FOI act.

The application must be clear enough so that the Institute understands what records are being requested and it must specify the preferred form of access.

Process on receipt of an FOI request

FOI requests are received by the FOI Officer and dealt with by an appropriate Decision Maker. IT Sligo will acknowledge receipt of the request within 10 working days of receipt.

Where it is not specific as to the records requested, assistance will be provided to enable the requester to identify them. Work will only commence on the request when it is clear what records are required. Such work may require the payment of fees (see below) by the requestor and in this instance, work will only commence when some payment has been received.

Following examination of the record, the Decision Maker may grant full access to the information requested or may refuse access to some or all the information requested based on application of the Act. When refusing some or all the request, an explanation must be provided to the requestor. This decision is made within 20 working days (or 40 days in certain limited circumstances).

If a response is not issued within the specified time limit the request is deemed to have been refused and the requester can proceed to the review stage

If a request is refused, can it be appealed?

Yes. It may be appealed to an Internal Reviewer within four weeks of being notified of the initial decision. The review will be carried out by a more senior staff member (Internal Reviewer) to the person who made the original decision (Decision Maker). A fee applies for an Internal Review and the review must be completed within 15 working days.

If the requestor is unhappy with the review, they have the right to seek independent review by the Information Commissioner. Appeals, in writing, may be made to the Appeals Commissioner at the following address:

Office of the Information Commissioner,
18, Lower Leeson St.,
Dublin 2

Fees

The Freedom of Information (FOI) Act 2014 allows for some fees to be charged in relation to the processing of FOI requests.

	<i>Standard Fee*</i>	<i>Reduced Fee**</i>
Type of request or application		
Initial request for a record	Free	Free
Internal review	€30	€10
Review by Information Commissioner	€50	€15
Application for amendment containing incorrect information	Free	Free
Application of reasons for a decision affecting individual	Free	Free

* There are no fees where a person appeals a decision to charge a fee or deposit, or a fee or deposit of a specific amount.

** Reduced fees apply in respect of medical card holders and third parties who appeal a decision to release their information on public interest grounds.

No fees apply where the request or internal review involves access to one's own personal records.

Charges for search, retrieval and copying of records

Charges may be applied for the time spent searching for and retrieving records, and for any copying costs incurred in providing requesters with the copies of the records requested. Charges may only be applied in respect of personal records where the number of records is large.

If the cost of search, retrieval and copying is €100 or less, no fee is applicable. If the charge exceeds €100, full fees are requested. The maximum charge for any one request must not exceed €500, however if the estimated cost of search, retrieval and copying is more than €700 the request can be refused, unless it is refined to bring the search, retrieval and copying fees below this limit.

Type of charge	Standard Charge
Search and retrieval of records	€20 per hour
Photocopying	4 cent per sheet
CD-Rom containing copy of documents	€10
Radiograph (X-ray) containing copy documents	€6

These fees may be waived in the following circumstances:

- where the cost of collecting and accounting for the fee would exceed the amount payable; or,
- where the information would be of particular assistance to the understanding of an issue of national importance
- in the case of personal information, where such charges would not be reasonable, having regard to the means of the requestor.

Disclosure Log

All non-personal FOI requests and decisions related to them are recorded on an FOI Disclosure Log which is published on the IT Sligo website (see <https://www.itsligo.ie/foi/publications/>)